

CELL PHONE POLICY

NEW

Directive: 6.84

I. PURPOSE:

To provide the most consistent, convenient, and cost effective cellular telephone services possible to City of Wilmington employees. The objectives of this policy are to:

- a. Provide guidelines to all City employees who are required to have a cellular telephone as a necessity to facilitate conducting City business when there are no other alternative forms of communication readily available that are less costly.
- b. Provide a system for monitoring cellular telephone usage patterns so that call plans can be modified to better meet the needs of the users while maintaining cost effectiveness.
- c. Create a reimbursement process for significant costs incurred by the City for personal calls made or received on the City's cellular telephones.

II. DEFINITIONS:

- a. Cellular Telephone Equipment and Services - Commercially available radio technology that enables paid subscribers, through use of either car-mounted, transportable, or hand-held portable telephones, to make and receive local and long distance telephone calls virtually anywhere.
- b. Personal Call - Any cellular telephone call made or received by City employees for purposes other than conducting official City business in direct support of their assigned duties and responsibilities.
- c. Unallowable Personal Call - A call made or received that is not a business call or an allowable personal call.
- d. Reimbursement - To compensate the City for money spent on excessive personal use of the City-issued cellular telephone and/or losses and damages incurred as a result of lack of appropriate precautions and care.

III. POLICY STATEMENT:

Cellular telephone users are required to limit the usage of cellular telephones to instances that are in direct support of assigned duties and responsibilities of the user and support delivery of the City of Wilmington Services. Cellular telephones should not be used when a less costly alternative is convenient, safe, and readily available, such as landline telephones, voice mail, email, pagers, mobile radios, etc. At all times, City employees' cellular telephone usage shall be consistent with the specific requirements set forth in this policy to ensure appropriate, efficient, ethical, and legal use of cellular telephones.

Employees failing to follow this policy shall be subject to **disciplinary action**,—including but not limited to the following:

***Written Reprimand**

- *Termination of cellular telephone privileges
- *Suspension from employment
- *Termination from employment.

IV. ACQUISITION OF CELLULAR TELEPHONES:

A. Eligibility and Approval (Cellular Telephone Request Form)

All City of Wilmington issued cellular telephone equipment and services are to be acquired through the Communications Division. Under no circumstances are departments permitted to contract for cellular telephone services without going through the acquisition process via the Communications Division, regardless of the source of funds for this equipment and/or services. When equipment and services are to be acquired, the requestor shall submit a completed **Cellular Telephone Request Form** to **the Chief of Police**, thru the chain of command. The Chief of Police will review the request and inform the requestor of the decision. If the Chief of Police approves the request of the acquisition of a City Cellular Phone, the requestor will then forward the original copy to the Communications Manager. The Chief of Staff, in consultation with the Communications Manager will authorize final approval. The Communications Manager will provide advice on the most appropriate equipment and plans based on the information on the submitted Request Form. The final approved authorization form shall be filed in the Communications Division record files with copies forwarded to the Department Head, Personnel, and OMB.

B. Employee Cellular Telephone Agreement

All personnel authorized to use a City cellular telephone shall sign an "Employee Cellular Telephone Agreement" signifying their agreement to abide by this policy. All employees already utilizing City cellular telephone equipment on the date of adoption of this policy shall also sign an Employee Cellular Telephone Agreement. This agreement shall be filed in the Communications Division and a copy shall be forwarded to the Department Head, Personnel, and OMB.

V. Justification:

All cellular telephones must be justified under one of the following categories:

1. operational efficiency,
2. public safety, and/or
3. emergency.

For all cellular telephone requests, the justification must also address alternative forms of communications. Alternative forms of communication to be considered include:

1. City and public telephone systems,
2. emails,
3. voicemail,
4. pagers, and
5. mobile radios.

Cellular telephones should not be granted if to be used solely for personal convenience and justification based on convenience alone will be grounds for denial. The need for cellular telephones may be justified when elements in one or more of the following areas are substantiated:

1. Operational Efficiency - Direct communication is required to conduct City business and typically there is no access to a conventional telephone or hand-held radio system.
2. Public Safety and Emergency - Immediate direct communication is required with police, fire, and/or emergency medical units (911), where absence of such communication would be clearly detrimental to the safety of the citizens and City employees (e.g., a natural disaster, a terrorist attack. etc.)

VI. Inventory:

All City departments in conjunction with the Communications Division, Personnel, and OMB, shall maintain an accurate and current inventory listing of all cellular telephones that have been authorized. The inventory listing should at minimum include the following items: type of equipment; the individual who is assigned the responsibility for the instrument; the assigned cellular telephone number, the electronic serial number, the call plan, the vendor, and the monthly cost associated with each user.

a. Re-Application:

Upon the adoption of this policy, all existing cellular telephone users shall be required to submit a new "Cellular Telephone Request Form" so that their eligibility for continued cellular telephone services can be determined.

VII. LEGITIMATE BUSINESS USE OF CELLULAR TELEPHONES:

All cellular telephone users should be aware of the following guidelines:

- a. Cellular telephones are to be used for conducting City business only.
- b. Cellular telephones are not to be used solely for convenience. If a conventional phone is nearby, it should be used.
- c. Out-of-state and out-of-country calls are normally an inappropriate use of City cellular phones, except for certain employees whose job functions require otherwise. Although certain call plans may permit unlimited night and weekend minutes, cellular telephones are issued to conduct official City business and personal use during such times must be in direct support of their assigned duties and responsibilities.
- d. Calling of 1-800 numbers and 411 information can only be made to conduct City business.
- e. Calling of 900 numbers is prohibited. Any such calls appearing on invoices will be subject to investigation.

VIII. OTHER RESTRICTIONS:

An employee may not operate a personal business or engage in political campaign activities from a City cellular telephone under any circumstances. Employees who are assigned a cellular telephone should limit the distribution of their

cellular telephone numbers to people with whom the City has an official business relationship or immediate family members. In case of the termination of employment with the City or a job transfer, the cellular telephone must be returned to the employee's supervisor who shall forward it to the Communications Manager. No cell phone shall be transferred from employee to employee without the eligibility and approval outlined in Section IV of this policy. City cellular telephones cannot be shared with unauthorized users, such as family members or other City employees.

IX. PLANS, HANDSETS, FEATURES, AND ACCESSORIES:

The City will contract for a set of usage plans, handsets, features, and telephone accessories that will serve the needs of employees in the most economical fashion. Although the City will take requests for specific models and features from employees into account, employees should be aware that the final approval can only be granted by the Chief of Staff, in consultation with the Communications Manager and Budget Director.

X. DAMAGE, LOSS, OR THEFT

Employees in possession of City cellular telephones are required to take appropriate precautions to prevent loss, theft, and vandalism.

- a. Damage occurred in the course of conducting City Business:

- *Equipment that is damaged in the course of business must be brought to the Communications Division within three business days of the damage, along with a completed Damage Notification Report. The Communications Manager will contact the vendor for replacement or repair.

- b. Lost or Stolen Cellular Telephones:

- *Lost or stolen cellular telephones should be immediately reported to the Communications Division so that the service can be immediately cancelled. Failure to report a lost or stolen cellular telephone may result in disciplinary action.

XI. CITY CELLULAR TELEPHONE ASSIGNEES' RESPONSIBILITIES

All City employees who are assigned City cellular telephones are responsible for monitoring their cellular telephone usage and abiding by all rules set under this policy. Employees will fully cooperate with the Communications Division, Personnel, OMB, and the Auditing Department for all inquiries deemed necessary to ensure adherence to the policy.

XII. RESPONSIBILITIES OF EXECUTIVE AND COMMAND STAFF

The Chief of Police, or his designee is responsible for educating subordinates about appropriate cellular telephone procedures and monitoring their usage. When necessary, Division Commanders will share the copy of the monthly bills with their subordinates with whom Division Commanders will discuss any excessive personal use of City cellular telephones. Division Commanders should monitor employees' cell phone usage to determine that the City is properly managing cellular telephone expenses. Division Commanders should also address proper cellular telephone etiquette with their employees.

XIII. COMMUNICATIONS DIVISION'S ROLE AND RESPONSIBILITIES

The relationship with cellular telephone providers shall be managed through the Communications Division. Communications Division staff will place all orders for cellular telephones and services with the contracted vendors and take delivery of equipment. The Communications Division will contact those employees requesting equipment when it arrives and provide necessary orientation and training. The Communications Division will be the primary party to monitor call plans and overall usage and suggest changes in service agreements to provide the most convenient and economical plan to the employee. The Communications Division will create and update the database in which all City-issued cellular telephone information can be found and share that database with Personnel, OMB, and the City Auditor. The Communications Division will also make available a City cellular telephone directory to all Department Heads. The Communications Division will also monitor changes in cellular telephone technologies and make recommendations for improvements in the City's equipment on an as-needed basis. The Communications Division will forward a copy of all individuals' monthly bills to the corresponding Department Heads upon receipt of the bills from the vendors. In the case of bills of the Department Heads themselves, the Communications Division will forward these to the Chief of Staff for review. The Communications Division shall make a note of any bills that exceed the monthly cost of the users plan prior to forwarding the bills to the appropriate Department Head or the Chief of Staff.

XIV. ROLE AND RESPONSIBILITIES OF OMB

OMB shall ensure that adequate funding exists for any equipment and services provided under this policy.

XV. ROLE AND RESPONSIBILITIES OF THE AUDITING DEPARTMENT

The Auditing Department shall periodically audit the Communications Division activities to ensure that the procedures outlined in this policy are being followed.

XVI. LIABILITY:

Using a City cellular telephone while operating a City vehicle or a personal vehicle is prohibited. Using a non-City issued cellular telephone while operating a City vehicle is likewise prohibited. An exception may be made for those City employees responding to an emergency situation. City Employees shall plan their telephone calls so as to allow the placement of calls either prior to or after traveling in a motor vehicle that they are operating. This policy is intended to be a safety policy and the City reserves the right to deny liability for workers' compensation benefits for an employee who is injured while using a City cellular telephone while operating a City motor vehicle or a personal motor vehicle, if the use of the City cellular telephone was a result of the accident. The City also reserves the right to deny representation and indemnification of any City employee who may be liable to third parties for injuries or property damage caused by such employee's use of a City cellular telephone while operating a City motor vehicle or a personal motor vehicle. Issues of right of representation, indemnification and liability for claims shall be resolved in accordance with Chapter 2, Art. IV, Div. 2 of the City Code.

All cellular phones shall be kept in the vibration mode at all times to ensure officer safety. It is prohibited to wear a cellular phone ear piece unless authorized by a Division Commander for work-related purposes.

XVII. REIMBURSEMENT POLICY AND PROCESS

All employees are expected to keep allowable personal calls to a minimum.

Employees who exceed the cost of their monthly plan shall reimburse the City for any excess costs. Employees who are determined by their Department Head or the Chief of Staff to be making unallowable personal calls may also be required to reimburse the City for such costs even if they do not exceed the cost of the monthly plan. On occasions when the Auditing Department is auditing cell phone usage, the City Auditor also has the authority to require reimbursement under the same circumstances.

Employees who owe reimbursements shall be so notified, in writing, by either the Department Head, Chief of Staff, or the City Auditor and shall have ten business days from the date of such notice to dispute these charges. In disputed cases, if the employee cannot substantiate to the satisfaction of the notifying party that the charges were official City business calls or allowable personal calls, the employee must make reimbursement to the City within ten business days of the date of a second and final written notice.

If an employee terminates employment with the City of Wilmington and it is determined that that employee owes the City of Wilmington reimbursement for cellular phone cost, the cost will be deducted from the employee's final paycheck. In the case where an employee has already received a final paycheck, the City will invoice the employee for the cost.

In case of the termination of employment with the City or a job transfer, the cellular telephone must be returned to the employee's supervisor who shall forward it to the Communications Manager.

CITY OF WILMINGTON EMPLOYEE CELLULAR TELEPHONE AGREEMENT

Name: _____ Department: _____

I, _____, agree to abide by the City of Wilmington's Cellular Telephone Policy. By signing the Cellular Telephone Agreement, I am acknowledging that I have read and clearly understand the policy.

I will adhere to all the guidelines stated in the City of Wilmington's Cellular Telephone Policy.

I will at all times first attempt to use an alternate form of readily available communication, such as using a landline telephone, pager, email, mobile radio, voice mail and etc. before resorting to use of the cell phone.

I will limit the distribution of my City cellular telephone number to only those parties with a business or immediate family relationship.

I understand that I am the only authorized person to use the City cellular telephone and this cellular telephone will not be transferred to or shared with other employees or my family members.

I understand that the purpose of having a City of Wilmington cellular telephone is solely for conducting City business and not for my personal use and convenience. Therefore I will make every effort possible to limit the use of the City's cellular telephone to official City business.

I understand that I am responsible for reimbursing the City of Wilmington for personal calls based upon the guidelines and procedures set forth in the City of Wilmington Cellular Telephone Policy.

I will be responsible for the use of the cellular telephone and its safekeeping. In the event of loss or damage, I am personally responsible.

I understand that cellular telephone calling activity will be monitored and that longer duration calls, calls to non-city business numbers, and frequently called numbers will be subject to close scrutiny.

I will fully cooperate with the Communications Division, Auditing Department, Personnel Department, and OMB for any investigation or inquiry of my cellular telephone usage. I understand that failure to do so may result in disciplinary action, including termination of employment with the City of Wilmington.

I am aware that conversations over cellular telephone are not confidential, and can be monitored; therefore, I will use appropriate discretion when discussing sensitive topics such as legal, financial, and human resource matters on the cellular telephone.

Cellular Telephone Number: _____

Electronic Cellular Telephone Serial Number: _____

Signature of Cellular Telephone User

Date

**CITY OF WILMINGTON
CELLULAR TELEPHONE REQUEST FORM**

You must read the City of Wilmington Cellular Telephone Policy prior to filling out this form.

Department/Division:		Date:
Requestor's Name:		Office Telephone #:
Requestor's Current Position:		
Requestor's Nature of Work and Detailed Justification for Cellular Telephone: <hr/> <hr/> <hr/> <hr/>		
Department Head Name:		Office Telephone #:
Do you currently have a City of Wilmington cellular telephone? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide the maker, model, issued date, and serial number of the City of Wilmington issued cellular telephone: <hr/> <hr/> <hr/> <hr/>		
Please check the appropriate boxes, which pertain to City issued communication sources that you currently have at your disposal: <input type="checkbox"/> Mobile Radio <input type="checkbox"/> Pager <input type="checkbox"/> Office Telephone <input type="checkbox"/> Email <input type="checkbox"/> Voicemail <input type="checkbox"/> City Cellular Telephone		
Please check the appropriate box that best categorizes your overall justification for needing a City issued cellular phone: (Please select one box only) <input type="checkbox"/> Public Safety <input type="checkbox"/> Operational Efficiency <input type="checkbox"/> Emergencies		
How many hours a day do you work in the field? <input type="checkbox"/> 0 to 1, <input type="checkbox"/> 2 to 3, <input type="checkbox"/> 4 to 5, <input type="checkbox"/> 6 or more		
How many average minutes per day do you anticipate using the cellular phone? <input type="checkbox"/> 0 to 5, <input type="checkbox"/> 6 to 10, <input type="checkbox"/> 11 to 15, <input type="checkbox"/> 16 to 20, <input type="checkbox"/> 21 to 25, <input type="checkbox"/> 26 to 30, <input type="checkbox"/> 30 or more		

List the most frequent numbers you anticipate calling and expecting calls from?
